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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,882	10/29/2001	Sebastien Bouat	50003545 -3	8291

7590 05/12/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GEREZGIHER, YEMANE M

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/032,882	Applicant(s) BOUAT, SEBASTIEN	
	Examiner Yemane M. Gerezgiher	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed on 02/09/2006 has been entered. Claims 1-17 remain pending in this application.

Response to Arguments

2. Applicant's arguments filed on 02/09/2006 have been fully considered but they are not persuasive.

The inventive entity argue that Ma and Brendel do not disclose, suggest or teach, a **gatekeeper receiving incoming messages**; and the **gatekeeper dispatching** received **messages among the plurality of sub-processes**, wherein the received messages that belong to the same call are dispatched to the same sub-process" (see Remark, Page 6, Lines 16-19 and Page 7, Lines 10-16) and argues that Ma's gatekeepers "302-306 and 352-356" failed to disclose "sub-processes" and further states that "Claim 1's "sub-processes" receive messages from a gatekeeper, not from a gateway like Ma's gatekeepers "302-306 and 352-356" (see Remark, Page 6, Lines 24-27).

The examiner respectfully disagrees with applicant's contention. Ma disclosed assigning received message to an appropriate gatekeeper based on which gatekeeper previously processed a received message and based on the originating or source and or session of the call information and/or load and functional status of the gatekeeper that processes the messages received (Ma,

Column 2, Lines 16-40) and as the inventive entity has already appreciated/acknowledged a functional limitation (Remark, Page 7, Lines 1-5), Ma disclosed receiving incoming message and dispatched messages to plurality of gatekeeper processes (see Ma, Column 2, Lines 46-48: "...redirecting calls from an assigned Gatekeeper to a servicing Gatekeeper..."). Examiner note applicant's concern that it the LMU directs the messages received to an appropriate gatekeeper, however the LMU is within each gatekeeper as disclosed in Fig. 3A. Ma's gatekeeper(s) has embedded LMU (Load Management Unit). Ma disclosed assigning received message from a gatekeeper to an appropriate gatekeeper process on a call-by-call basis. Ma, Fig. 3A and Column 7, Lines 1-61. Furthermore, Ma disclosed plurality of Gatekeeper processes 1-N processing messages received thereon. See Fig. 3A.

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Note: The examiner noticed that the amendment made to the claims, as been nothing more than rephrasing what was previously recited in the claims. If further prosecution on the merits of the instant application is pursued, Applicant is strongly encouraged to further incorporate into the independent claim some details or features (if any) of the instant application to make a distinction over the prior art of record. Applicant is further encouraged to point out where in the specifications is found the support for any possible potential amendment that may facilitate distinguishing a patentably different functional limitation(s) of the instant invention over the prior art of record.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. (U.S. Patent Number 6,795,867) hereinafter referred to as Ma in view of Brendel (U.S. Patent Number 6,772,333).

As per claims 1, 2, 7-14, and 16 Ma disclosed:

A method/system for processing messages incoming on a gatekeeper system of an Internet Protocol network, [Abstract, Figs. 3A-4, Column 2, Lines 35-65, Column 4, Lines 30-39, Ma disclosed a Load Management Unit within a gatekeeper hereinafter referred to as LMU in a gatekeeper system processing calls in IP voice telephony] wherein the gatekeeper system includes a plurality of sub-processes each able to process a series of such messages, [Figs. 3A-3B, (302-306 and 352-356), Column 7, Lines 32-61] the method comprising the gatekeeper receiving incoming messages [see Ma, Column 2, Lines 16-40 and Lines 46-48]; and the gatekeeper dispatching received messages among the plurality of sub-processes, wherein the received messages that belong to the same call are dispatched to the same sub-process [Ma, Column 7, Lines 23-42, Fig. 4, Column 8, Lines 3-63, Ma taught assigning/dispatching of a

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message/call to a gatekeeper process if a previously registered gatekeeper process for the call is determined (Column 8, Lines 59-63)].

Ma substantially disclosed the invention as claimed. However, Ma was silent about the details of identifying the message/call using a session identifier and directing the call to the same process that previously processed the call. However, as evidenced by the teachings of Brendel, such a technique was commonly known in the art of load balancing at the time the invention was made (see Column 2, Lines 27-50). Brendel disclosed receiving the message in an encoded form and partially decoding the message to identify the session ID that identifies the message, further examining the extracted fields of the message in order to identify the call as recited in claims 7-10, see Abstract, Column 5, Lines 45-67, Column 7, Line 25 through Column 8, Line 67, Column 9, Lines 2-27, Column 9, Line 63 through Column 10, Line 4 and Column 15, Lines 4-7, Brendel disclosed retrieving session identifies from encoded messages by partially extracting from the header information of the message).

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Brendel related to analyzing session identification and load balancing in a clustered system by directing requests to the same server process that previously processed request associated with a particular session and have modified the teachings of Ma related to a clustered gatekeeper system

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having therein plurality of gatekeeper processes, because "when the same server receives all the users connections, then local traffic to other servers is minimized and latency is reduced" (Column 2, Lines 51-54).

As per claim 3, Ma disclosed processing the calls, which is applied in a H323 network [Column 4, Lines 40-64].

As per claim 4, wherein the messages to be dispatched are "Registration, Admission and status" (RAS) messages [Column 4, Lines 60-64].

As per claim 5, Ma disclosed identifying whether the message is a registration or an admission message, and, if the message is identified as a registration message, determining the sub-process to which the message is going to be dispatched on the basis of the current load of the different sub-processes in order to balance the load of the different sub-processes [Column 6, Lines 45-51, Column 7, Lines 8-23].

As per claim 6, Ma disclosed identifying whether the message is a registration or an admission message, and, if the message is an admission message, determining whether the message is the first admission message of a call, and, in that case, determining the sub-process to which the message is going to be dispatched on the basis of the current load of the different sub-processes in order to balance the load of the different sub-processes [Column 6, Lines 45-51, Column 7, Lines 8-23].

As per claims 15 and 17, Ma disclosed:

A method/system for processing messages incoming on a gatekeeper

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system of an Internet Protocol network [Abstract, Figs. 3A-4, Column 2, Lines 35-65, Column 4, Lines 30-39, Ma disclosed LMU in a gatekeeper system processing calls in IP voice telephony], wherein the gatekeeper system comprises a gatekeeper and a plurality of sub-processes each able to process a series of such messages, and further wherein the messages enter the gatekeeper system [Figs. 3A-3B, (302-306 and 352-356), Column 7, Lines 32-61] in an encoded form and comprise a plurality of fields, at least one of which contains data for identifying a call, the method comprising the gatekeeper receiving incoming messages; the gatekeeper decoding received message only partially, the decoded part including said one or several fields which contain those data; and the gatekeeper dispatching received messages that belong to the same call are dispatched to the same sub-process [Fig. 4, Column 7, Lines 23-42, Column 8, Lines 3-63, Ma taught assigning/dispatching of a message/call to a gatekeeper process if a previously registered gatekeeper process for the call is determined (Column 8, Lines 59-63)].

Ma substantially disclosed the invention as claimed. However, Ma was silent about the details of receiving encoded message and decoding partially (the header information of a message) identifying the message/call using a session identifier and directing the call to the same process that previously processed the call. However, as evidenced by the teachings of Brendel, such a technique was commonly known in the art of load balancing at the time the invention was made (see Column 2, Lines 27-50). Furthermore, Brendel

disclosed receiving the message in an encoded form and partially decoding the message to identify the session ID that identifies the message (Column 5, Lines 45-67, Column 7, Line 25 through Column 8, Line 67 and Column 15, Lines 4-7).

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Brendel related to analyzing session identification and load balancing in a clustered system by directing requests to the same server process that previously processed request associated with a particular session and have modified the teachings of Ma related to a clustered gatekeeper system having therein plurality of gatekeeper processes, because “when the same server receives all the users connections, then local traffic to other servers is minimized and latency is reduced” (Column 2, Lines 51-54).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

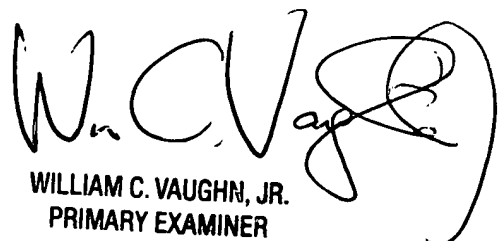
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMG

Yemane M. Gerezgiher
Patent Examiner, Computer Science


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER